

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

IOWA DEPARTMENT OF HUMAN SERVICES,)	
)	
Employer)	
)	ADJUDICATOR'S DECISION
and)	
)	87-MA-15
LA VERN BUTTJER,)	
)	
Appellant)	

Appearances

For the Department of Human Services

Patsy Langerman, Dept. of Human Services, Agency Representative
Virginia L. Leidahl, County Human Services Director for Winneshiek
and Howard Counties
Maribeth Woolsey, Benefits Payments Administrator

For the Appellant

La Vern Buttjer, Appellant

I. JURISDICTION

Pursuant to Chapter 19A Code of Iowa §14 (1986) (S.F. 2175, 71st General Assembly) a discharged employee may appeal the decision of the appointing authority to the Public Employment Relations Board (the Board) within 30 days of the discharge. La Vern Buttjer was discharged from the Department of Human Services on August 1, 1986. A timely appeal was filed on August 25, 1986. The hearing was held in Des Moines, Iowa on October 23, 1986. The hearing was tape recorded. The parties did not file briefs.

II. EXHIBITS

Joint Exhibit 1 - Summary of Work History of La Vern Buttjer

Joint Exhibit 2 - Performance Evaluations of La Vern Buttjer

III. ISSUE

The parties agree that the issue for resolution in this case is the following: Was La Vern Buttjer terminated for just cause; and if not what shall the remedy be?

IV. BACKGROUND AND FACTS

Based upon stipulation at hearing, the parties agree that Joint Exhibit #1 sets out the relevant facts in this case. The Appellant's work history is as follows:

BUTTJER, LaVern R.	SSN 482-46-6380
Summary of Performance Evaluations/Disciplinary Actions/ Supervisory Notations, Etc.	
08/01/86	Date of Discharge
07/15/86	2 Day Suspension -- Working on personal photo album on state time during training session
03/02/86 - 07/02/86 Performance Evaluation Rating 1.76	
03/21/86	1 Day Suspension -- Failure to meet with worker after meeting with union steward per grievance settlement
March 1985 - March 1986 Performance Evaluation Rating 1.74	
02/26/86	3 Day Suspension -- No case readings, failure to distribute Quality Control readings to staff for corrective action, and violation of manual procedures.
09/18/85	Corrective Action Plan implemented to improve supervisory performance and assist appellant in case reading. Mr. Buttjer was to sample case read one case per month per each IM worker for each assistance program. The sample reading would be reviewed by the benefit payments administrator who would then conduct a personal training session for Mr. Buttjer where case reading deficiencies were

apparent. This was to be implemented October 1, 1985 along with a calendar of the training sessions.

06/14/85	1 Day Suspension -- Delinquent Cases
06/14/85	Written Reprimand -- No Casereading reports
04/30/85	1 Day Suspension -- Untimely Case-readings
04/30/85	Clarification -- Untimely Performance Evaluations
03/11/85	Written Reprimand - Untimely Reports
03/11/85	Written Reprimand - Failure to Case-read
March 1984 - March 1985	Performance Evaluation Rating 2.37
04/27/84	Written Reprimand - Failure to advise supervisor about commodity problem
10/01/83 - 03/01/84	Performance Evaluation Rating 2.90
April 1983 - 10/01/83	Performance Evaluation Rating 2.27
09/19/83	1 Day Suspension -- Untimely reports and Casereadings
March 1982 - 04/01/83	Performance Evaluation Rating 2.74 (IMW III Supervisor)
12/02/82	Written Reprimand - Failure to complete performance evaluations on subordinates
11/12/82	Clarification -- Failure to file timely reports
11/12/82	Delinquent assistant applications
03/29/82	1 Day Suspension -- Failure to file ICF-MR claims for Howard County for 1979, 1980, 1981, 1981. New administration and discipline given for former position
March 26, 1982	Performance Evaluation Rating 2.55 (CSSD II)

V. CONCLUSIONS OF LAW

Section 19A.14(1) of The Code confers jurisdiction upon the Board to hear employee appeals concerning discipline and discharge.^{1/} The Code designates that the Board's review of disciplinary action is as follows:

"Decisions rendered shall be based upon a standard of just cause. If the public employment relations board finds that the action taken by the appointing authority was for political, religious, racial, national origin, sex, age, or other reasons not constituting just cause, the employee may be reinstated without loss of pay or benefits for the elapsed period or the public employment relations board may fashion other appropriate remedies."

Therefore, the issue in this case is whether La Vern Buttjer was terminated from the Department of Human Services for "just cause."

The Department of Human Services terminated La Vern Buttjer on August 1, 1986 for poor work performance. The Appellant's work history is detailed in the facts. It is clear from the facts that the Appellant has not performed at a satisfactory level since March of 1982. A satisfactory level of performance would be a score of 3.00 on departmental performance evaluations. The Appellant has consistently performed below that level since 1982, and the latest performance evaluation score was 1.76. Because of the Appellant's many years of service, the Department developed and instituted a corrective action plan in September of 1985 to help the Appellant improve his supervisory performance and case reading skills. The Appellant's skills did not improve to a satisfactory level.

In March, 1986 the Appellant was evaluated. He was informed that due to serious concerns documented during the rating period, progressive disciplinary action has been instituted and no salary increase would be given. He was

1/ Senate File 2175, 71st General Assembly, 1986 Regular Session, as amended by House File 2066. See also, Section 20.1(3) Iowa Code (1985).

also notified in writing that a performance evaluation score of 1.74 was unacceptable and that if he failed to meet job requirements and standards his termination would be recommended. The evaluation was signed by the Appellant. Since that March 1985 to March 1986 evaluation, the Appellant received two suspensions and another unacceptable performance evaluation. He was then discharged on August 1, 1986.

At hearing the Appellant acknowledged that he was not equipped to handle the job in a satisfactory manner and also acknowledged that he has never asked for additional retraining. However, he asks that he be reinstated to the job and receive back pay and benefits since his discharge.

Based on all evidence received, I find that the Appellant was discharged for just cause. Although the Appellant does have many years of service to the State, the Department of Human Services did everything necessary to help him retain his position. The Department utilized an extensive progressive discipline system and in addition, gave the Appellant ample notice since 1982 that his work performance was not satisfactory and must improve. Virginia Leidahl, his immediate supervisor, also instituted a retraining program to help him improve his work performance. Following the retraining, the Appellant's performance improved for a short period of time then again fell to an unacceptable level. The Appellant did not request additional help or a transfer to a less demanding job even though he was aware that his termination was being seriously considered. The Appellant was suspended for one day on March 21, 1986 for his failure to meet with a worker as directed. Then on July 15, 1986 he was suspended for two days for working on a personal photo album during a training session. He was discharged on August 1, 1986 for poor work performance.

IV. AWARD

Therefore based upon the foregoing factors, I find that the Appellant was discharged for just cause and deny the appeal for reinstatement.

DATED at Des Moines, Iowa this 16th day of December, 1986.

Kathryn A. Nowack
KATHRYN A. NOWACK, ADJUDICATOR